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11 **UNITED STATES DISTRICT COURT**  
12 **NORTHERN DISTRICT OF CALIFORNIA**

13 RICHARD W. TRAMMELL,

14 Plaintiff,

15 v.

16 BARBARA'S BAKERY, INC., *et al.*,

17 Defendants.  
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Case No. 3:12-cv-02664-CRB

**FINAL JUDGMENT**

Honorable Charles R. Breyer, Presiding

IT IS on this 8th day of November, 2013, HEREBY ADJUDGED AND DECREED  
PURSUANT TO FEDERAL RULE OF CIVIL PROCEDURE 58 THAT:

1. The settlement of this class action on the terms set forth in the Parties' Settlement Agreement, with exhibits (collectively, the "Settlement Agreement"), and definitions included therein, signed and filed with this Court on April 25, 2013, is finally approved, and the following class is granted final certification for settlement purposes only under Fed. R. Civ. P. 23(a) and (b)(3): all persons who, during the Class Period, May 23, 2008 to July 5, 2013, purchased in the United States any Eligible Products. "Eligible Products" means any of the following Barbara's Bakery, Inc.'s ("Barbara's Bakery") products:

**A. Cereals:**

- i. BROWN RICE CRISPS (Fruit Juice Sweetened flavor);
- ii. CORN FLAKES (Fruit Juice Sweetened flavor);
- iii. HIGH FIBER (Cranberry, Flax & Granola, or Original flavors);
- iv. HOLE 'N OATS (Fruit Juice Sweetened or Honey Nut flavors);
- v. HONEST O'S (Honey Nut, Multigrain, or Original flavors);
- vi. ORGANIC APPLE CINNAMON O'S;
- vii. ORGANIC BREAKFAST O'S;
- viii. ORGANIC BROWN RICE;
- ix. ORGANIC BROWN RICE CRISPS;
- x. ORGANIC CORN FLAKES;
- xi. ORGANIC CRISPY WHEATS;
- xii. ORGANIC HONEY CRUNCH 'N OATS;
- xiii. ORGANIC HONEY NUT O'S;
- xiv. ORGANIC SNACKIMALS CEREAL (Cinnamon Crunch or Vanilla Blast flavors);
- xv. ORGANIC WILD PUFFS (Caramel, Cocoa, Cocoa Grahams, Fruity Punch, Honey Puffs, or Original flavors);
- xvi. PUFFINS (Cinnamon, Crunchy Cocoa, Fruit Medley, Honey Rice, Multigrain, Peanut Butter, Peanut Butter & Chocolate, or Original flavors);

- xvii. PUFFIN PUFFS (Crunchy Cocoa or Fruit Medley flavors);
- xviii. SHREDDED OATS (Cinnamon Crunch, Blueberry Burst, Multigrain, Original, Shredded Wheat, or Vanilla Almond flavors);
- xix. SHREDDED WHEAT;
- xx. SHREDDED SPOONFULS (Multigrain or Vanilla Blast flavors);
- xxi. SHREDDED MINIS (Blueberry Burst flavor);
- xxii. TOASTED OATMEAL FLAKES (Original flavor); and
- xxiii. ULTIMA ORGANIC (Blue Corn, Blueberry, Flax & Granola, High Fiber, or Pomegranate flavors).

**B. Cereal Bars:**

- i. MULTIGRAIN CEREAL BARS (Apple Cinnamon, Blueberry, Cherry, Original, Raspberry, Strawberry, or Triple Berry flavors);
- ii. FRUIT & YOGURT BARS (Apple Cinnamon, Blueberry Apple, Cherry Apple, Strawberry Apple, or Traditional flavors); and
- iii. PUFFINS CEREAL AND MILK BARS (Blueberry Yogurt, French Toast, Peanut Butter Chocolate Chip, or Strawberry Yogurt flavors).

**C. Cheese Puffs:**

- i. BAKED CHEESE PUFFS (Original or White Cheddar flavors); and
- ii. CHEESE PUFFS (Jalapeno or Original flavors).

**D. Fig Bars:**

- i. FIG BARS (Apple Cinnamon, Blueberry, Multigrain, Raspberry, Traditional, Wheat Free, or Whole Wheat flavors).

**E. Granola Bars:**

- i. CRUNCHY ORGANIC GRANOLA BARS (Cinnamon Crisp, Oat & Honey, Peanut Butter, or Toasted Almond flavors).

**F. Snackimals Animal Cookies:**

- i. SNACKIMALS ANIMAL COOKIES (Chocolate Chip, Double Chocolate, Peanut Butter, Oatmeal, Vanilla, or Snickerdoodle flavors).

1           **G.     Organic Mini-Cookies:**

- 2                 i.       ORGANIC MINI COOKIES (Chocolate, Ginger, or Oatmeal flavors).

3           **H.     Snack Mixes:**

- 4                 i.       BRUSCHETTA SNACK MIX;
- 5                 ii.      HONEY CINNAMON SNACK MIX;
- 6                 iii.     HONEY MUSTARD SNACK MIX; and
- 7                 iv.      SALSA SNACK MIX.

8           **I.     Crackers:**

- 9                 i.       CRISP COOKIES (Chocolate Chip, Double Dutch Chocolate Chip, Old Fashioned
- 10                Oatmeal, or Traditional Short Bread flavors);
- 11                ii.      GO GO GRAHAMS (Chocolate, Cinnamon, Honey, or Lemon Ginger flavors);
- 12                iii.     PIZZA AND CHEESE BITES;
- 13                iv.      RITE LITE ROUNDS (Original, Poppy Seed, or Tamari Sesame flavors); and
- 14                v.       WHEATINES (Cracked Pepper, Original, or Sesame flavors).

15           2.       The Court finds that only those individuals listed in Exhibit A to the Declaration of

16   April Hyduk and filed with the Court, a copy of said Exhibit is attached hereto as Exhibit A, have

17   submitted timely and valid requests for exclusion from the Class and are therefore not bound by this

18   Final Judgment and accompanying Final Order. All other members of the Class are bound by the terms

19   and conditions of the Settlement Agreement, this Final Judgment and accompanying Final Order.

20   Class Counsel and Barbara's Bakery's Counsel may mutually agree to allow additional Class

21   Members to exclude themselves or to withdraw their exclusion requests by filing an appropriate notice

22   with the Court.

23           3.       The Class Notice, the Summary Settlement Notice, the website, the toll-free telephone

24   number, all other notices in the Settlement Agreement, the Declaration of the Notice Administrator,

25   and the notice methodology implemented pursuant to the Settlement Agreement: (a) constituted the

26   best practicable notice under the circumstances; (b) constituted notice that was reasonably calculated

27   to apprise Class Members of the pendency of the Action, the terms of the settlement, and their rights

28   under the settlement, including, but not limited to, their right to object to or exclude themselves from

1 the proposed settlement and to appear at the Fairness Hearing; (c) were reasonable and constituted  
2 due, adequate, and sufficient notice to all persons entitled to receive notice; and (d) met all applicable  
3 requirements of law, including, but not limited to, the Federal Rules of Civil Procedure, 28 U.S.C.  
4 §1715, and the Due Process Clause(s) of the United States Constitution, as well as complied with the  
5 Federal Judicial Center's illustrative class action notices.

6 4. The claims in *Trammell v. Barbara's Bakery, Inc.*, No. 3:12-cv-02664-CRB (the  
7 "Action") are dismissed on the merits and with prejudice according to the terms (including the  
8 Release) set forth in the Parties' Settlement Agreement and in the Court's Final Order Approving  
9 Class Action Settlement, (the "Final Approval Order"), without costs to any party except as provided  
10 in the Final Approval Order.

11 5. All Class Members and/or their representatives who have not been timely excluded  
12 from the Class are permanently barred and enjoined from bringing, filing, commencing, prosecuting,  
13 maintaining, intervening in, participating (as class members or otherwise) in, or receiving any benefits  
14 from any other lawsuit (including putative class action lawsuits), arbitration, administrative,  
15 regulatory, or other proceeding, order, or cause of action in law or equity in any jurisdiction that is  
16 covered by the Release. In addition, all Class Members and all persons in active concert or  
17 participation with Class Members are permanently barred and enjoined from organizing Class  
18 Members who have not been excluded from the Class into a separate class for purposes of pursuing, as  
19 a purported class action, any lawsuit (including by seeking to amend a pending complaint to include  
20 class allegations, or seeking class certification in a pending action) that is covered by the Release.  
21 Pursuant to 28 U.S.C. §§1651(a) and 2283, the Court finds that issuance of this permanent injunction  
22 is necessary and appropriate in aid of the Court's continuing jurisdiction and authority over the Action.

23 6. Class Counsel shall take all steps necessary and appropriate to provide Class Members  
24 with the benefits to which they are entitled under the terms of the Settlement Agreement and pursuant  
25 to the Orders of the Court.

26 7. Class Counsel shall be awarded \$ 1,000,000. in attorneys' fees and expenses, which  
27 amount is approved as fair and reasonable, in accordance with the terms of the Settlement Agreement.  
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1           8.       Plaintiff Richard W. Trammell shall be awarded \$ 2,500, as an incentive award in his  
2 capacity as a representative Plaintiff in the Action.

3           9.       The Court will retain continuing jurisdiction over the Action for the reasons and  
4 purposes set forth in this Court's Final Approval Order.

5           10.      The objection(s) to the Settlement Agreement, the Incentive Award, and Award of  
6 Attorneys Fees and Costs are without merit and overruled.

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9       November 8, 2013



Honorable Charles R. Breyer  
UNITED STATES DISTRICT JUDGE

**Exhibit A**

**List of persons who Requested Exclusion**

1. Michael Powers
2. Joe Jones
3. Erin Silber
4. Gabriel Rojas